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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,287	07/27/2001	James McNabb	RELI-001/01US	6095
29315 7590 08/22/2007 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 701 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004			EXAMINER STRANGE, AARON N	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/915,287

Applicant(s)

MCNABB ET AL.

Examiner

Aaron Strange

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments and arguments, see pages 5-8, filed 12/22/2006, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. §§ 102 & 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection under 35 U.S.C. §§ 102 and 103 is made in view of Monteiro et al. (US 5,778,187) and Jung et al. (US 6,308,208), set forth below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-10 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Monteiro et al. (US 5,778,187).

4. With regard to claim 1, Monteiro discloses a system for managing a plurality of participants to an event comprising:

a director (primary server) having an address (IP address) associated therewith for delivering the event to the plurality of participants (primary servers are the root

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servers for each channel and are connected to the Internet)(Fig. 1; col. 3, ll. 4-8; col. 4, ll. 31-36)

a plurality of participant managers (media servers) installed within a network communication system and logically connected amongst themselves and to said director thereby forming a hierarchy (Fig. 1; col. 5, ll. 31-36), the director forming a root of the hierarchy, the participant managers forming branches of the hierarchy, and the participants forming leaves of the hierarchy (Fig. 1; col. 5, ll. 31-36); and

a turnstile (User software) installed at and associated with each of the plurality of participants (col. 13, ll. 9-11), each turnstile logically connected to one of said plurality of participant managers in said hierarchy based on an association between the turnstile and one or more characteristics of the network communication system (turnstile connects to the first available media server)(col. 14, ll. 34-44).

5. With regard to claim 4, Monteiro further discloses that said associated participant presents said turnstile a ticket (username/password) to gain access to the event (user enters username/password into the user software)(col. 13, ll. 11-17; col. 14, ll. 4-7).

6. With regard to claim 5, Monteiro further discloses that said turnstile determines whether said ticket is valid (user software verifies with authentication server that username is unique)(col. 13, ll. 27-36).

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7. With regard to claim 6, Monteiro further discloses that said turnstile forwards a valid ticket to said connected participant manager for authentication (user provides token to media server when requesting content)(col. 9, ll. 34-40).

8. With regard to claim 7, Monteiro further discloses that said connected participant manager communicates authorization to said turnstile upon determining said ticket is authentic (media server replies with a Result Message Object indicating success, after verifying that the username/password is authentic) (col. 14, ll. 6-9; col. 14, ll. 49-50; col. 15, ll. 14-26).

9. With regard to claim 8, Monteiro further discloses that said director provides event information to said connected participant manager (col. 3, ll. 9-10).

10. With regard to claim 9, Monteiro further discloses that said turnstile prevents said associated participant from receiving the event until a ticket associated with the event is authenticated (user must authenticate each time they wish to use the system)(col. 13, ll. 64 to col. 14, ll. 4).

11. With regard to claim 10, Monteiro further discloses that said turnstile prevents said associated participant from receiving the event until a ticket associated with the event is determined to have been provided to said associated participant (user must authenticate each time they wish to use the system)(col. 13, ll. 64 to col. 14, ll. 4).

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12. With regard to claim 46, Monteiro further discloses that the characteristics include at least one of a network point of entry, a geographic location, network congestion, or network performance (turnstile connects to the first available media server)(col. 14, ll. 34-44).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro et al. (US 5,778,187) in view of Jung et al. (US 6,308,208).

15. With regard to claim 2, while the system disclosed by Monteiro shows substantial features of the claimed invention (discussed above), including turnstiles sending delivery statistics regarding said associated participant to said connected participant manager (col. 14, ll. 59-63), it fails to specifically disclose that the delivery statistics are propagated up the hierarchy to the director.

Jung discloses a system for monitoring a network. Jung teaches collecting

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statistics from resources in the network, and propagating them up the hierarchy, eventually reaching a central monitoring node (col. 8, ll. 17-39). This would have been an advantageous addition to the system disclosed by Monteiro since it would have allowed the entire distribution network to be monitored using a large number of relatively small and simple monitors. This type of monitoring is less expensive and lower maintenance, particularly for large networks (Jung; col. 1, ll. 26-34; col. 5, ll. 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to propagate the delivery statistics up the hierarchy from low level monitors to the director in order to automatically monitor the network using a large number of inexpensive, low maintenance monitors.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS

A handwritten signature in black ink, appearing to read 'GB', with a long horizontal flourish extending to the right.

GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100